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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Elizabeth Rosenzweig, et al

**TIMELINE-BASED GRAPHICAL
USER INTERFACE FOR EFFICIENT
IMAGE DATABASE BROWSING
AND RETRIEVAL**

Serial No. 09/742,028

Filed 20 December 2000

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

Group Art Unit: 2673

Examiner: Ke, Peng

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Robin G. Reeves
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10/24/03
Date

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Request for Reconsideration

In response to the Office Action mailed on July 16, 2003, please reconsider the rejection of the claims in the application in view of the following remarks:

REMARKS

Pending claims 1-32 include two independent claims, namely, claims 1 and 17. Claims 1-4, 9, 17-20, and 25 are rejected under 35 USC § 103(a) as being unpatentable over Ubillos (U.S. 6,486,896) in view of Sciammarella et al (U.S. 5,983,369). Claims 5-8, 10-16, 21-24 and 26-32 are rejected under 35 USC § 103(a) further in view of Patton et al. (U.S. 6,408,301). Most of the following comments pertain to independent claims 1 and 17.

The primary reference (Ubillos) discloses a method utilizing a scroll bar for accessing a data field having a fine resolution, wherein the scroll bar has a scalable feature that controls the degree of resolution actually displayed, thereby providing various scales ranging from decades to seconds. The Examiner

equates these different scales to the first GUI or display level and the second GUI or display level, as found, e.g., in claims 1 and 17. Albeit that the width of the horizontal scroll bar 15 corresponds to the time interval, there is no mention in the primary reference of any icons being proportionately sized to correspond to the content of the data field during any predefined temporal interval, and no evidence of any second display level being activated by triggering any icon that is proportionately sized for the content. The secondary reference (Sciammarella et al.) suggests displaying an image resulting from a database search such that its size relative to other images represents its relative match value, that is, the relevance of the returned image to the search criteria. However, the secondary reference is completely silent as to a number of claimed features not found in the primary reference, namely, as to having the icons proportionately sized to correspond to a number of pictures and as to triggering a second display level likewise comprised of proportionately sized icons by triggering one of the first icons. Indeed, the secondary reference makes it clear that each “icon” represents one picture; in fact, the “icon” is the picture. Moreover, the size configuration presented for the relevant images allows a user to immediately view the most relevant search result directly without the necessity of “zooming in” to read its contents (col. 3, lines 49-51). In other words, the secondary reference teaches away from using the proportionality feature to trigger a different display.

It is respectfully submitted that a rejection under §103 may not be maintained unless, among other requirements, (1) **all** of the claim limitations are taught or suggested by the prior art, and (2) there is some suggestion or **motivation** in the first place to make the cited **combination** of the prior art, such that each claim limitation is taught or suggested in the prior art. These are among the requirements for a *prima facie* case of obviousness. MPEP §2143.01 – 2143.03. Each rejection of the pending claims does not meet these requirements, either wholly or in part, and is accordingly traversed.

As mentioned above, the secondary reference suggests the use of size to represent the relevance of an image relative to search criteria. However, the secondary reference is completely silent as to proportioning the size to correspond to a quantity, and as to using the sized icon to trigger another display level of similarly proportioned icons. More specifically, with regard to claim 1, the secondary reference nowhere suggests “said first icons being proportionately

sized to correspond to the number of pictures captured during a predefined temporal interval; and at least a second display level...triggered by activating one of said first icons, said second display level comprising a second metaphor, and second icons placed on said second metaphor for grouping the pictures represented by the activated first icons, said second icons being proportionately sized to correspond to the number of pictures captured for each grouping.” Claim 17 includes similar language.

Moreover, size is used in the secondary reference (Sciammarella et al) in a way that is entirely unrelated to the embodiment of the first reference (Ubillos). The secondary reference discloses the use of size in relation to the relative confidence in a match value. The primary reference shows a scroll bar-like feature that is reconfigured for different scale resolutions pertaining to file content. There is no logical way to vary an icon in the primary reference to indicate a confidence value, or even a size or quantity, of the file content. Basically, an entirely new icon would have to be added, and to show an entirely new metric from an entirely new perspective--for which there is no motivation expressed in the combination of the references.

Absent any teaching or suggestion in the art, these limitations can only be drawn by hindsight from applicants' own disclosure, a practice which is impermissible according to well-understood case law. Consequently, certain of the claim limitations in claims 1 and 17 are not taught or suggested by the prior art, either alone or in combination, and the rejection of these claims under §103 should be withdrawn.

Besides having to show, among other requirements, that (1) all of the claim limitations are taught or suggested by the prior art, in order to maintain a rejection under §103 it is also necessary that (2) there is some suggestion or **motivation** in the first place to make the cited **combination** of the prior art, such that each claim limitation is taught or suggested in the prior art. At the outset, there is no teaching or suggestion of an icon or like form of representation that is proportioned as to size to represent a data quantity within a temporal interval in any of the references, primary or secondary. Consequently, it would seem that the claimed combination is *per se* untaught by the cited references. The cited references are devoid of such suggestions.

The dependent claims 2-16 and 18-32 are believed to be allowable in view of the allowability of their parent claims 1 and 17. However, special note is taken of claims 3-4, 12-13, 19-20, and 28-29, which call for a third (and fourth) level with third (and fourth) level with third (and fourth) icons proportionately sized to correspond to the number of pictures captured. As mentioned above in connection with claims 1 and 17, nothing in the combination of the references suggests proportioning the size of the icons as claimed in the first and second levels, much less any additional (third and fourth) levels.

Accordingly, claims 1-32 are believed to be allowable over the references of record.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David M. Woods", is written over a horizontal line.

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